

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:

Technical Standards for Determining
Eligibility for Satellite-Delivered Network
Signals Pursuant to the Satellite Home
Viewer Extension and Reauthorization Act

ET Docket No. 05-182

COMMENTS OF DIRECTV, INC.

Viewers want their local broadcast signals. DIRECTV, Inc. ("DIRECTV") has found that viewers prefer – by substantial margins – their local broadcast signals to similar out-of-town signals.¹ This is why DIRECTV has made delivery of local signals such a high priority. DIRECTV now retransmits local analog signals in over 130 markets, representing 93 percent of U.S. television households. And it recently announced plans to offer as many as 1500 local digital signals by 2007. From DIRECTV's perspective, the future is local.

The point of this proceeding is to begin developing a methodology for determining when viewers are eligible for distant digital signals.² By the time any such methodology is finalized, however, it will be irrelevant to many DIRECTV subscribers

¹ Indeed, as DIRECTV has launched local markets, it has seen a marked *decrease* in distant signal subscribership. In each of 2003 and 2004, DIRECTV experienced a net loss of around 170,000 distant network subscribers. Put another way, in early 2002, approximately 16 percent of DIRECTV customers subscribed to at least one distant network signal feed – now the number is under 9 percent.

² *Technical Standards for Determining Eligibility for Satellite-Delivered Network Signals Pursuant to the Satellite Home Viewer Extension and Reauthorization Act*, Notice of Inquiry, 20 FCC Rcd. 9349 (2005) ("Notice").

because subscribers to whom DIRECTV provides local digital signals cannot sign up for distant digital signals.³ The methodology developed in this proceeding will thus be used less frequently than the existing methodology.⁴ But to viewers who rely on it, the methodology developed for digital signals will be no less important.

For this reason, DIRECTV urges Congress and the Commission to heed perhaps the most important lesson from the last decade of distant network signal qualification – *predictive modeling is better than on-site testing*. On-site tests frustrate and inconvenience subscribers, cost far more money than they are worth, and should be used – if at all – only as a last resort. The primary goal of this proceeding should be to create an accurate, reliable model to predict over-the-air digital reception.

DISCUSSION

On-site testing is far from the norm today. In the last five years or so, only about 3,200 DIRECTV customers – or only 0.3 percent of those requesting distant network signals – asked for an on-site test. Only about 1,400 of these actually received an on-site test. At Congress's direction,⁵ however, the Commission has requested comments about predictive modeling as only one among many topics – most of which concern on-site

³ See 47 U.S.C. § 339(a)(2)(D)(iv) (providing that, “[a]fter the date on which a satellite carrier makes available the digital signal of a local network station, the carrier may not offer the distant digital signal of a network station affiliated with the same television network to any new subscriber to such distant digital signal after such date, except that such distant digital signal may be provided to a new subscriber who cannot be reached by the satellite transmission of the local digital signal”).

⁴ See *Satellite Delivery of Network Signals to Unserved Households for Purposes of the Satellite Home Viewer Act*, Report and Order, 14 FCC Rcd. 2654, 2689, 2890 (1999) (“SHVA Report and Order”) (endorsing method for predicting signal strength at individual locations); 47 C.F.R. § 73.686(d) (setting forth testing procedures).

⁵ 47 U.S.C. § 338(a)(4); Satellite Home Viewer Extension and Reauthorization Act of 2004 (“SHVERA”), Pub. L. No. 108-447 § 204, 118 Stat. 2809, 3428-29 (2004).

testing.⁶ The implication, perhaps, is that on-site testing should be the norm for digital signals. But testing is frustrating to subscribers and costly to satellite operators and consumers (and, presumably, local broadcast stations, who must pay for testing when customers qualify for distant network signals).⁷ It thus deserves an even smaller role in the digital world than it has today, not a bigger one.

To begin with, on-site testing is extraordinarily time consuming for subscribers. In order to seek on-site testing, subscribers must wait at least thirty days after they have received the results of the predictive model for broadcasters to decide whether to grant waiver(s).⁸ Then, they must wait until an independent,⁹ qualified tester can be identified in their area. Once DIRECTV places an order for the test, the customer must wait for the tester (not DIRECTV) to arrange the appointment. While DIRECTV often tries to expedite this process, tests must often be delayed because of scheduling issues or bad weather (particularly in the winter months).¹⁰ Moreover, in many areas there are very few independent entities available to conduct such tests – extending the wait time even longer through no fault of DIRECTV. Thus, even if every subscriber to get an on-site test ultimately were to receive all channels requested, many would still be unhappy as a result of the delay.

Subscribers are also frustrated by the testing process. Viewers unfamiliar with section 76.686(d) of the Commission's rules might reasonably think that an on-site test

⁶ See Notice, 20 FCC Rcd. at 9356, 9357.

⁷ See 47 U.S.C. § 339(a)(4)(B) (allocating cost for on-site testing).

⁸ 47 U.S.C. § 339(c)(4)(A) (providing for testing only “[i]f a subscriber’s request for a waiver . . . is rejected and the subscriber submits to the subscriber’s satellite carrier a request for a test”).

⁹ See *id.* (requiring selection of “a qualified and independent person” to conduct testing).

¹⁰ See 47 C.F.R. § 76.686(d)(2)(ii) (instructing testers to “not take measurements in inclement weather or when major weather fronts are moving through the measurement area”).

involves somebody looking at their television to determine whether or not they receive an adequate signal. Most are not expecting what actually happens:

- Assuming good weather, the tester raises a “test antenna” to twenty feet above ground level for a single story house (or thirty feet for a two story house), and orients the antenna in the direction of maximum signal strength on each channel.
- The tester takes a “cluster measurement” consisting of five readings in four corners of a three-meter square and one reading in the center of the square.
- The tester ranks the cluster measurement results in order to determine the median number.
- The tester adjusts the figures for line loss and antenna factors, and converts them to dBu.
- After the signal test is complete, the tester sends a form back to DIRECTV, which processes the test within several days.

In DIRECTV’s experience, those denied their requested distant signals based on such a process end up angry at DIRECTV, at their local broadcast stations, and at the FCC as well.

Even setting aside customer relations, on-site testing is a losing economic proposition. Over the last five years, the average cost of an on-site test has been around \$150, although in some areas it can now cost as much as \$450. DIRECTV estimates that it would take at least five years to recoup this cost from revenues generated by providing distant signals to those tested eligible for such signals – a time frame unlikely to be realized given churn rates for distant signals.¹¹ Based on these figures, DIRECTV has a difficult time imagining that on-site testing makes economic sense for broadcasters, either.

¹¹ See footnote 1, above (discussing churn rate for distant signals in areas where local signals are offered).

Analog on-site testing, then, frustrates and inconveniences subscribers and costs money that DIRECTV is unlikely to recoup. Digital on-site testing will be worse on both scores (especially if it becomes the norm) because there are far fewer “independent” entities qualified to conduct on-site tests for digital signals than there are for analog signals and because equipment is in shorter supply. This means that wait times will increase – making viewers even more frustrated than they are now. And it means that costs will increase – making on-site testing an even less attractive economic proposition than it is now.

DIRECTV can think of no reason why federal policy should encourage such a result. It thus urges the Commission and Congress to develop an accurate and reliable predictive model for digital signals rather than relying on on-site testing. If on-site testing is to continue to be part of the methodology for digital signals at all, it must remain strictly at the satellite operator’s option, to be used only in close cases.¹²

* * *

¹² See 47 U.S.C. § 339(c)(4)(E) (“A satellite carrier may refuse to engage in the testing process. If the carrier does so refuse, a subscriber in a local market in which a satellite carrier does not offer the signals of local broadcast stations under section 338 may, at his or her own expense, authorize a signal intensity test to be performed pursuant to the procedures specified by the Commission in section 73.686(d) of title 47, Code of Federal Regulations, by a tester who is approved by the satellite carrier and by each affected network station, or who has been previously approved by the satellite carrier and by each affected network station but not previously disapproved.”).

Congress and the Commission should not create a distant digital signal methodology that gives prominence to on-site testing. They should, instead, devote their energies toward developing a digital predictive model that is as accurate as possible. DIRECTV looks forward to assisting Congress and the Commission in this endeavor.

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June 17, 2005

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COMMENTS OF ECHOSTAR SATELLITE L.L.C.

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COMMENTS OF ECHOSTAR SATELLITE L.L.C.

EchoStar Satellite L.L.C. ("EchoStar") hereby submits its comments on the Notice of Inquiry released by the Commission on May 3, 2005 ("NOI") seeking comment on the adequacy of the digital signal strength standard and testing procedures used to determine whether households are eligible to receive distant digital television ("DTV") network signals from satellite carriers.¹

Section 204(b) of the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA") substituted a new Section 339(c)(1) of the Communications Act, 47 U.S.C. § 339(c)(1), directing the Commission to complete, not later than one year after SHVERA's enactment, "an inquiry regarding whether, for purposes of identifying if a household is unserved by an adequate digital signal under [17 U.S.C. § 119(d)(10)], the digital signal strength standard in [47 C.F.R. § 73.622(e)(1)], or the testing procedures in [47 C.F.R. § 73.686(d)], such statutes or regulations should be revised" to take into account various statutory

¹ *Technical Standards for Determining Eligibility For Satellite-Delivered Network Signals Pursuant to the Satellite Home Viewer Extension and Reauthorization Act*, FCC 05-94, Notice of Inquiry, ET Docket No. 05-182 (rel. May 3, 2005), published 70 Fed. Reg. 28503 (2005) ("NOI").

factors affecting signal strength and reception.² SHVERA also directed the Commission to consider whether a predictive methodology should be developed for determining whether a household is unserved.³ The Commission is required to submit a report to the House and Senate Commerce Committees containing the results of its inquiry and recommendations for changes, if any, to the statutes and regulations in question.⁴

The issues raised in the NOI are vital to the DTV transition and to Congress's intent to provide households unserved by an adequate digital signal from their local network station with the option of obtaining a distant digital station affiliated with the same network from their satellite carrier. The issue is more stark for digital than for analog signals. More often than with analog signals, reception problems for DTV are more dramatic, meaning that the picture cannot be received at all. At the same time, the Commission should not ignore lesser problems such as tiling or other digital artifacts – consumers have higher DTV picture quality expectations and should not be expected to tolerate reception of such quality. In addition, reception problems that are not associated with inadequate signal strength (*e.g.*, the multipath phenomenon) still have to be taken into account. In the case of DTV reception, multipath problems do not result in a “ghosted” image as in the case of analog reception. Rather, as the Commission itself has recognized, “[t]hese signals, although they originate from the same transmitting source, are out of phase *and can cause severe interference that can result in the complete loss of the digital service.*”⁵

² See 47 U.S.C. §§ 339(c)(1)(A) and (B).

³ 47 U.S.C. § 339(c)(1)(B)(iv).

⁴ 47 U.S.C. § 339(c)(1)(C).

⁵ NOI at ¶ 20 (emphasis added).

For these reasons, it is important to ensure that the digital signal strength standard, the testing procedures, and any predictive model used to determine whether a household is unserved, take into account all factors that affect whether an artifact-free DTV *picture* can actually be received, and not merely whether the DTV signal is strong enough at the location in question. To this end, EchoStar commissioned an engineering study by Hammett & Edison, Inc. ("H&E") (see Attachment A). The results of that study suggest a number of changes to the Commission's rules are necessary to make the digital signal standard and testing procedures more accurate. In short:

- ☐ The Commission should revise upwards its DTV signal strength standard.
- ☐ The Commission should revise its testing rules to take account of multipath interference. Static multipath corresponds to a measurable signal strength penalty. The Commission should make allowance for this penalty.
- ☐ The Commission should also revise its testing to reflect the fact that the vast majority of DTV households have either indoor antennas or imperfectly pointed outdoor antennas. The Commission should prescribe indoor testing, preferably by use of typical indoor antennas, and allow for an appropriate adjustment if perfectly pointed professional equipment is used.
- ☐ The Commission should revise the measurement rules to take account of the significant time variability of DTV signals.
- ☐ The Commission should recommend to Congress the adoption of a predictive model with an improved time variability factor and improvements to account for DTV signal loss due to building penetration, land use and land cover variations, as well as certain other adjustments.

EchoStar also notes that with the exception of the DTV predictive model, the Commission today has the authority to promulgate rules that implement these recommendations and should commence a rulemaking proceeding to that end.

I. THE DIGITAL STRENGTH STANDARD SHOULD BE REVISED TO ACCOUNT FOR DTV RECEIVER PERFORMANCE AND MAN-MADE NOISE

H&E points to two reasons why the digital strength standard may be inadequate.

First, H&E tested five commercially available DTV receivers – four consumer receivers and one professional receiver – and found that the signal sensitivities of the current generation consumer DTV receivers can be significantly worse than the signal sensitivities assumed in the Commission’s DTV planning factors for the digital signal strength for VHF and UHF DTV channels.⁶ As a result, many consumer DTV sets may not be able to display a DTV picture even when the strength of the digital signal meets the Commission’s standards. Accordingly, the digital strength standard should be revised upwards to take into account these marketplace realities.

Another reason is man-made noise, which particularly affects signal levels at low-band VHF channels (2-6).⁷ As more fully explained in the H&E study, man-made (or impulse) noise was not adequately taken into account in the Commission’s DTV planning factors, particularly at low-band VHF frequencies (TV Channels 2-6). As a result, the Commission did not build in a sufficient margin for noise when it set the signal strength standard for those channels. H&E cites studies that found that median noise levels in Boulder, Colorado approached 20 dB at 137 MHz, which implies a median value approaching 30 dB at 54 MHz. As H&E concludes, “[i]f 20 or 30 dB of man-made noise is added to the thermal noise floor, certainly, some viewers in urban areas will be unable to receive low-band DTV signals due to

⁶ H&E at 12-13.

⁷ H&E at 9-11.

excessive man-made noise.”⁸ H&E concludes that the signal strength standard for the low-band VHF signals should be increased by 12-30 dB to account for such noise.

II. DIGITAL SIGNAL TESTING SHOULD INCLUDE TESTING FOR MULTIPATH INTERFERENCE PROBLEMS

Multipath interference in the analog context results in “ghosted” images that are of poor quality, but that are typically still viewable unless the problem is severe. In contrast, as the Commission has recognized, multipath interference is an even more acute problem for DTV reception: “[t]hese signals, although they originate from the same transmitting source, are out of phase *and can cause severe interference that can result in the complete loss of the digital service.*”⁹ Moreover, multipath interference can be static (caused by signal reflections off fixed structures) or dynamic (caused by signal reflections off moving objects, e.g. airplanes or cars).

While dynamic multipath interference is difficult to account for, the H&E study shows that static multipath interference can be measured and its severity can be expressed as a signal strength penalty caused by the equalizer on the DTV receiver attempting to compensate for the multipath “echoes.”¹⁰ This penalty should be subtracted from the measured digital signal strength before it is compared against the Commission’s digital strength standard. Given the acuteness of multipath interference for DTV reception, the Commission should change its testing rules accordingly to incorporate the methodology described in the H&E study for taking such problems into account.

⁸ *Id.* at 10.

⁹ NOI at ¶ 20 (emphasis added).

¹⁰ H&E at 8-9.

III. THE SIGNAL STRENGTH AND TESTING PROCEDURES SHOULD TAKE INTO ACCOUNT INDOOR ANTENNA USE AND THE LACK OF ROTATION IN OUTDOOR ANTENNAS

As the H&E study points out, the testing procedures assume an outdoor antenna that can be accurately pointed so as to receive the strongest possible signal.¹¹ However, an outdoor antenna is not practicable for many households, particularly people who live in apartment buildings. Moreover, even households that have outdoor antennas often do not have rotating antennas or have a practicable means of re-pointing their antennas “on the fly” to achieve optimum reception for every broadcast station in the market. These realities need to be taken into account.

A. Indoor Antennas

With respect to indoor vs. outdoor antennas, the Commission has recognized that “because structures located within the line of sight between the transmitter and the receiving antenna can block or weaken the strength of received signals, an outdoor antenna installation . . . will generally allow a stronger signal to be received by the antenna than will an indoor antenna installation. Thus, households in which the antenna is placed indoors *will generally need an antenna with greater gain* than will a household in which the antenna is placed outdoors.”¹²

However, as the H&E study shows, “[b]ecause of limitations on the physical dimensions of indoor antennas, they have always had *less* gain than typical outdoor antennas.”¹³ Indeed, H&E’s review of the existing literature published as recently as 2005 and as far back as 1959 show that indoor antennas consistently have gains of about 9 dB below those for outdoor

¹¹ H&E at 2. *See also* 47 C.F.R. § 73.686(d)(2)(iv) (requiring the testing antenna to be oriented in the direction which maximizes the value of field strength).

¹² NOI at ¶ 9 (emphasis added).

¹³ H&E at 4.

antennas. Moreover, the problem of the reduced gain of indoor antennas is exacerbated by building penetration losses. As the H&E study shows, because the signal has to penetrate the roof and walls of the building before it can be received by the low-gain indoor antenna, the signal strength loss can be as great as 30 dB for VHF in a high clutter area like New York City, but can vary depending on which floor of a building the indoor antenna is placed.

Because the signal testing procedures require an outdoor test with professional equipment, those procedures penalize the many apartment dwellers and others that cannot practically install and make use of an outdoor antenna. Perhaps in recognition of this, the Commission sought comment on whether and when indoor testing should be performed.¹⁴ Indoor testing should be required. Moreover, the test should ideally be conducted using a typical indoor antenna. However, if a professional antenna were to be used instead then the signal test result should be reduced by 9 dB (at the very least) to account for the lower gain of indoor antennas.

B. Lack of Rotation and Antenna Pointing Error

Because the signal strength testing procedure requires the testing antenna to be oriented so as to maximize signal strength, it implicitly assumes that every household has a rotating antenna that can be re-pointed to optimize reception for each local station. This is an unrealistic assumption. Indeed, in some markets, not all of the network stations may be transmitting from the same site, so there may be no single “optimal” orientation. Even households with antennas capable of rotating generally do not have the ability to adjust the orientation of the antenna “on the fly” so that, for most intents and purposes, the antenna is a non-rotating antenna.

¹⁴ NOI at ¶ 13.

While the H&E study does not provide an average signal loss from mispointing, it does note a worse case loss scenario of 14 dB for a high performance antenna at UHF.¹⁵ This suggests that the signal strength loss from the lack of rotating antenna can be significant and should therefore be taken into account. One way to do so would be to conduct further study to determine the “average” signal loss caused by the lack of a rotating antenna and to subtract that from the measured signal strength before comparing it against the Commission’s signal strength standard.

IV. DIGITAL SIGNAL STRENGTH TESTING SHOULD BE CONDUCTED OVER A REASONABLE PERIOD OF TIME TO ACCOUNT FOR TEMPORAL VARIATIONS IN SIGNAL STRENGTH

Current digital signal strength testing procedures involve the taking of essentially instantaneous signal strength measurements. However, the H&E study shows that digital signal strength is characterized by significant variability over time, usually caused by atmospheric conditions.¹⁶ Indeed, as H&E point out, the Longley-Rice propagation model is based on empirical data about time variability. It would be strange for a predictive model to incorporate time variability but for actual testing to ignore it completely.

Accordingly, the Commission’s signal strength testing procedures should be modified to take into account this variability in signal strength over time. This could be achieved by taking the cluster measurement as the assumed median and applying a correction factor so that the 90% time reliability is achieved. The correction factor can be derived from the F(50,50) (median) and F(50,90) values used by the Commission for contour projection. As more fully described in the H&E study, the difference in decibels between the two values at any given

¹⁵ H&E at 3.

¹⁶ *Id.* at 4-6.

distance from the transmitter could serve as an appropriate correction factor to adjust for time variability.¹⁷

V. THE INDIVIDUAL LOCATION LONGLEY-RICE PREDICTIVE MODEL MUST BE IMPROVED BEFORE IT IS USED TO DETERMINE WHEN A HOUSEHOLD IS UNSERVED BY A LOCAL DIGITAL STATION

Finally, the H&E study suggests changes to the current Individual Location Longley-Rice ("ILLR") predictive model if it were to be used to determine when a household is digitally unserved, including an improved time variability factor and incorporating more realistic values for system noise, building penetration, and land cover and clutter.

A. Improved Time Variability Factor

As H&E points out, The ILLR model developed to predict analog signal strength is based on a time variability factor of 50%, which implies that a household predicted to be served may not actually have an adequate signal 50% of the time.¹⁸ For DTV reception purposes, this likely means inability to receive a DTV picture for 50% of the time, which is clearly unacceptable. Even improving time reliability factor in the model to 90% would help but would still mean that households predicted to be served may not actually have digital service for up to five weeks of the year. Consequently, H&E suggests that "[a]n increase in temporal reliability to 99% (or better) seems prudent until there is greater experience with consumer reception of DTV signals, although this represents still 3.65 days a year without a usable signal."¹⁹

¹⁷ *Id.*

¹⁸ *Id.* at 11.

¹⁹ *Id.* at 7. *See also id.* at 11.

B. System Noise

With respect to system noise, H&E notes that while the FCC planning factors for DTV receivers did include a system noise figure, it assumed a conjugate-impedance match between the receiver and antenna. This is rarely the case. H&E's calculations based on the characteristics of more typical antennas suggest that the predictive model should take into account an effective system noise figure increased by 3 dB to correct for the inaccuracy in the FCC planning factors.

C. Building Penetration

As noted earlier, the H&E study shows that signal strength loss due to building penetration can be as great as 30 dB for VHF in a high clutter area like New York City, but that such values will vary depending on which floor of a building the indoor antenna is placed.²⁰ The typical loss figures reported by H&E are preliminary, but clearly illustrate the existence of the building penetration loss phenomenon. Further study may yield a more complete set of figures for incorporation into the ILLR predictive model, especially as applied to apartment dwellers using indoor antennas.

D. Land Use and Land Cover

With respect to land cover and clutter, the Commission has repeatedly recognized that incorporation of such factors into the ILLR model would improve its accuracy.²¹ However, while the Commission in the NOI claims that the ILLR currently takes into account land use and

²⁰ *Id.* at 13-14.

²¹ *Establishment of an Improved Model for Predicting the Broadcast Television Field Strength Received at Individual Locations*, Report and Order, 15 FCC Rcd 12118, 12121 (2000) ("assignment of clutter loss values based on LULC categories would enhance the accuracy of predictions made with the ILLR model.") ("*ILLR Order*"); *Satellite Delivery of Network Signals to Unserved Households For Purposes of the Satellite Home Viewer Act*, Order on Reconsideration, 14 FCC Rcd 17373, 17377 ¶ 8 (1999) ("We believe that consumers will benefit when the effects of trees and buildings are included in the ILLR prediction model.").

land cover,²² the Commission has in fact set almost all of the clutter-loss values for the VHF channels at zero for every land use/land cover category in the model -- which means that the signal loss from land use and land cover will be the same in the urban canyons in New York City as in the plains of Kansas.²³ EchoStar has challenged this approach in the analog context, but incorporation of more realistic values for land use and land cover is even more important for DTV reception than for analog reception. As noted earlier, while analog signal strength and quality problems may lead to deterioration in picture quality, digital signal problems can lead to not just a degraded picture with tiling and digital artifacts, but also an abrupt and total loss of digital service.

VI. CONCLUSION

EchoStar urges the Commission to take the above comments and the H&E study into account in formulating its report and recommendations to Congress.

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June 17, 2005

²² NOI at ¶ 15.

²³ See *ILLR Order* at 12127 ¶ 15, *aff'd on recon.* 19 FCC Rcd 9964 (2004).

ATTACHMENT A

Statement of Hammett & Edison, Inc.

Consulting Engineers

EchoStar Satellite L.L.C. • Englewood, Colorado

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by EchoStar Satellite L.L.C. to prepare an engineering statement in response to the FCC's Notice of Inquiry in ET Docket No. 05-182, "Technical Standards for Satellite-Delivered Network Signals."¹

Background

In its Notice of Inquiry in ET Docket No. 05-182 ("NOI"), the Commission seeks, among other things, information and comment on current regulations that identify households that are unserved by local analog broadcast television stations in order to determine if the regulations may be accurately applied to local digital broadcast stations for the same purpose. Specifically, the Commission seeks technical information in the following areas: (1) whether a new standard should account for the fact that an antenna can be mounted on a roof or placed in a home and can be fixed or capable of rotating, (2) whether the codified system of "cluster measurements"² should be amended to create different procedures for determining the requisite digital signal strength, (3) whether a standard should be developed that does not require the presence of a signal of certain strength to ensure that a household can receive a high-quality picture, (4) whether to develop a predictive methodology for determining whether a household is unserved by an adequate digital signal, (5) whether there is wide variation in the ability of reasonably priced consumer digital television ("DTV") sets to receive over-the-air signals, and (6) whether to account for factors such as building loss, external interference, and clutter.

In digital television, all of these technical factors impact not only the quality of the picture received, but whether a picture can be received *at all*. As the General Accounting Office has noted, "[t]here are some concerns that digital television sets in locations with a weak signal will have difficulty receiving over-the-air broadcasts. This issue is important for the DTV transition because with a digital signal, unlike an analog signal, the picture is lost completely when the signal is inadequate. Over-the-air viewers who may currently tolerate a weak, snowy analog signal could find themselves without any signal at all when they try to receive the digital broadcast signal."³

¹ FCC 05-94, adopted April 29, 2005

² 47 CFR §73.686(d)

³ GAO report GAO-03-7, "Telecommunications: Additional Federal Efforts Could Help Advance Digital Television Transition," released December 2, 2002



1. Consumer Receiving Antennas

Uncommon use of rotatable outdoor receiving antennas

Implicit in the Commission's distant network eligibility rules is the assumption that all viewers employ outdoor directional antennas, which are adjusted (rotated) to achieve optimum reception.^{4,5} This is a flawed assumption for several reasons. The U.S. Congress' Government Accounting Office (GAO) found that 19% or 20.8 million U.S. households rely upon over-the-air antennas exclusively.⁶ One might expect that many homes also have secondary or tertiary television receivers in the kitchen, bedroom, workshop, etc., which are typically connected only to set-top antennas. Indeed, the GAO also found that another 15% of households that subscribe to either cable television or direct broadcast satellite (DBS) service have at least one TV set that utilizes an over-the-air antenna. In sum, the GAO found that 34% of U.S. households receive at least some television signal off-air using an antenna.

Our corporate experience over the past 53 years has been that only a small fraction (perhaps 10–15%) of households having outdoor antennas also utilize an antenna rotor. The vast majority of consumers who have antennas for over-the-air reception are believed to use antennas that are fixed and not rotatable. Even so, most if not all rotors do not have automatic or remote-control adjustments, so the typical viewer must arise from the couch to adjust the antenna rotor; such physical activity seems unlikely in this age of remote-control “channel surfing.” Also, the rotor itself has some latency of perhaps one second per 6° of rotation;⁷ because DTV receivers typically require about one second to lock onto a channel and produce a picture, this latency further slows the channel surfing process, and would be expected to result in consumer dissatisfaction.

⁴ 47 CFR §73.686(d)(2)(iv) states in pertinent part that testers should “[o]rient the testing antenna in the direction which maximizes the value of field strength for the signal being measured.”

⁵ FCC/OET Bulletin No. 72 states in pertinent part that, “[t]he ILLR model was adopted for SHVIA purposes based on the Commission's experience with using the model for predicting service and interference for digital television (DTV). The parameters to be used in a computer implementation of the ILLR model for SHVIA purposes are mostly the same as were used for DTV purposes, with only a few exceptions, stemming from their somewhat different objectives.”

The model used for DTV purposes is described in OET Bulletin No. 69, which states in pertinent part that, “[t]he receiving antenna is assumed to have a directional gain pattern which tends to discriminate against off-axis undesired stations. ... The discrimination ... provided by the assumed receiving pattern is a ... function of the angle between the ... desired and undesired stations When both desired and undesired stations are dead ahead, the angle is 0.0 giving ... no discrimination. When the undesired station is somewhat off-axis, ... discrimination [comes] into play; and when the undesired station is far off axis, the maximum discrimination given by the front-to-back ratio is attained.”

⁶ GAO-05-258T, “Digital Broadcast Television Transition: Estimated Cost of Supporting Set-Top Boxes to Help Advance the DTV Transition,” February 17, 2005.

⁷ Sinclair Broadcast Group, Inc., Petition for Partial Reconsideration in FCC Docket 00-39.



Antenna pointing errors

Few viewers of over-the-air television have or use outdoor antennas that are rotatable, but unless a fixed antenna is properly oriented less than optimum signal levels will be obtained. In most markets, not all television stations transmit from a common site, so reception of one or more stations will be impaired due to the reduced off-axis performance of television receive antennas. The Terrain Integrated Rough-Earth Model (TIREM)⁸ was used to project the coverage of all full-service NTSC stations in the U.S. over a random sample of 4.4 million calculation points covering the continental U.S.⁹ This large sample indicates that the majority of all persons in the U.S. are able to receive at least two NTSC signals of Grade B or greater intensity.¹⁰ Of the households that are predicted to receive at least two stations, the calculations show that the majority receive at least one of those stations from an angle that differs by greater than 25° from another station. A half-power beamwidth of about 50° ($\pm 25^\circ$ from the direction of maximum gain) is assumed in the Commission's planning factors for DTV,¹¹ so almost all households will have impaired reception of at least one station.

Significantly, most "fringe" viewers (70.5%), *i.e.*, households predicted to receive comparatively weak signals in the Grade A to Grade B range from at least two stations, receive those stations from directions differing by 25° or greater. A majority of these fringe viewers have pointing errors such that the full front-to-back ratios assumed by the Commission for its allocation and interference analyses would apply. That is, at least one signal level would be reduced from the predicted value by 10, 12, or 14 dB, depending upon whether the station involved operates at VHF-low band, VHF-high band, or UHF frequencies, respectively. From these data, it seems clear that most viewers will not be able to receive optimally all available DTV stations without a properly oriented rotatable antenna.

Indoor antennas

As discussed above, the GAO found that about 34% of U.S. households utilize over-the-air receiving antennas for TV reception,¹² and many of these antennas are expected to be indoor (*e.g.*, back-of-set) models. As discussed below, indoor receiving antennas are generally not very directional, have lesser gain than most outdoor antennas, and are often not easily adjusted. The service signal strength levels specified by the FCC in Section 73.622(e), which are predicated on the use of an outdoor antenna, are inadequate when the receiving antenna is an indoor model.

⁸ Developed by the U.S. Government Joint Spectrum Center, Annapolis, Maryland.

⁹ It is believed that the number of DTV stations operating with full power facilities is not yet representative of the coverage conditions that would exist in an "all DTV" environment, but the current universe of NTSC stations can be assumed to be representative of that environment, based upon the Commission's goal of replication.

¹⁰ A few are predicted to receive as many as 38 signals of Grade B or greater intensity.

¹¹ Fortran computer code including receive antenna pattern details is found at:
http://www.fcc.gov/Bureaus/Engineering_Technology/Databases/mmb/dtv/mo&o2/readme.html

¹² Kutzner, *op cit*.



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Because of practical limitations on the physical dimensions of indoor antennas, they have always had less gain than typical outdoor antennas. Consumer television antenna gain figures have been published at various times. In 1959, TASO, based upon manufacturer data and data supplied by AMST (now MSTV), reported average gain values of 3.7, 6.8, and 8.0 dBd, for VHF-low, VHF-high, and UHF channels, respectively. These values are comparable with the values given in the DTV planning factors, which are 4, 6, and 10 dBd. Indoor antennas, however, have much lower gains. A PBS study¹³ reported gain figures for various UHF antennas, finding an average gain of 9.3 dBd for UHF outdoor antennas (8.6 dBd for combination VHF/UHF outdoor antennas), and an average gain of just -1.1 dBd for indoor UHF antennas, representing a penalty of about 10 dB for users of indoor antennas. Similarly, the Institute for Telecommunication Sciences published a study in 1979,¹⁴ which showed average gains of 3.5, 7.5, and 6.0 dBd for outdoor antennas, but -4.4, -2.8, and -3.0 dBd for indoor antennas, demonstrating a UHF "indoor antenna penalty" of 9 dB. Recently, Dielectric Communications published measured antenna performance data on several consumer antennas currently being marketed for DTV reception. These data show average gains at UHF of 11.6 dBd for outdoor antennas, but 2.4 dBd for indoor models — a difference of 9.2 dB.¹⁵⁻¹⁶ Thus, the gains associated with indoor antennas at UHF are consistently about 9 dB, or more, below those for outdoor antennas, and persons relying upon indoor antennas for DTV reception will be at a considerable disadvantage.

2. Cluster Measurements

The small percentage of consumers having or using rotatable antennas calls into question continued justification of the requirement under Section 73.686(d) that the measurement antenna be rotated for greatest signal strength. While one might assume that, given the ability to do so, consumers would rotate their antenna for best reception, the direction of best reception may vary from station to station. Viewers without rotatable antennas obviously cannot simultaneously achieve optimum reception for all stations. In addition, the direction of maximum signal strength often produces a poor picture (or no picture, in the case of DTV). For example, a viewer located in a valley, which is obstructed by terrain from TV stations, might find that the strongest signals are those reflected off a wall of the valley, but that signals from that direction also include strong multipath (ghost images) making them unwatchable. Instead, residents may orient their antennas toward the opening of the valley, which results in weaker, but usable signals. It would therefore seem logical when taking cluster measurements to orient the measurement antenna in the same direction as other antennas in the area, since it can be assumed that those antennas would be

¹³ Free and Smith, Georgia Institute of Technology, 1978.

¹⁴ FitzGerrel, R.G., *et al.*, "Television Receiving Antenna System Component Measurements," NTIA Report 79-22, June 1979.

¹⁵ Kerry W. Cozad, "Measured Performance Parameters for Receive Antennas used in DTV Reception," Proceedings of the NAB Engineering Conference, 2005.

¹⁶ Kerry W. Cozad, private communication, June 16, 2005.



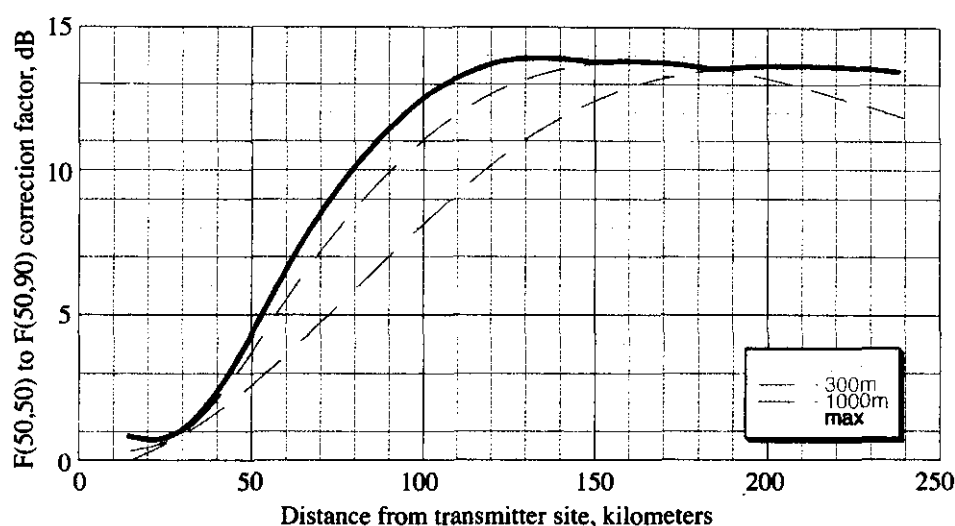
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oriented toward a direction that provides the best reception overall (but perhaps not optimum for any station).

The cluster measurement method accounts only for so-called "location variability" of the TV signal. As will be shown, TV signals may also be subject to significant time variability. Indeed, the FCC's criterion for DTV coverage is a specified threshold field strength at the best 50% of the locations, 90% of the time, that is, a location variability factor of 50% and a time variability factor of 90%, commonly written as F(50,90). Because a single set of cluster measurements is assumed to capture the median time signal strength value, it cannot adequately characterize the time variability to provide reasonable assurance that the DTV signal will be available 90% of the time. DTV reception fails completely below the threshold signal level, so it is critical to characterize this time variability.

Time variability might be characterized in several ways. For instance, the 90% time reliability factor could be derived by applying a correction factor to the assumed median value obtained during the cluster measurements. The graph below shows the difference in decibels between the UHF F(50,50) and F(50,90) values used by the FCC for contour projection, as a function of distance from the transmitter site for three values of transmit antenna height above average terrain (HAAT). To adjust the assumed "typical" measured field strength to a 90% time value, the appropriate correction factor is subtracted from the measured value. This method requires knowledge of the distance to the transmit site, as well as the transmitter HAAT toward the receiving location, which can be a difficult parameter to determine. As a simplification, the dark line shows the maximum at any of the three values of HAAT and might be used if the appropriate value of HAAT is not known.





As an example, if the cluster measurements show a median field strength of 43 dB μ V/m at a distance of 50 kilometers from the transmitter site, the F(50,90) value would be 43 – 5 = 38 dB μ V/m.

Temporal variation of signal level

There are considerable empirical data available concerning the variation with time of narrowband radiofrequency signals.¹⁷ Indeed, the FCC's propagation curves and the Longley-Rice propagation model are based upon the statistical distributions of such data. There are scant data available concerning actual measurements of wideband DTV signals, however, and concern has been expressed that the Longley-Rice algorithm used for distant network qualification may not be usable for wideband signals.¹⁸ One might expect those data to be similar to the narrowband data, at least in terms of first-order statistics (*e.g.*, median amplitude and variation with time). The availability of a DTV signal is a function both of this temporal variation of signal strength and the ability of the receiver to compensate for frequency-selective fading effects. Since DTV reception is largely an "all or nothing" proposition, such temporal variation data can be used to infer consumer satisfaction with DTV over time.

Hammett & Edison, Inc. has collected temporal data on the amplitudes of fourteen DTV signals that could be received at its Sonoma, California, offices. Initial data collection occurred over an approximately two-week period from May 18 until June 1, 2005. Some of the temporal data are shown in Figure 1. These data represent a variety of paths, both obstructed and unobstructed, as shown in the included transmitter-receiver path profiles, and clearly show significant variations in signal strength. These

¹⁷ Longley, A.G., *et al.*, "Measured and Predicted Long-term Distributions of Tropospheric Transmission Loss," NTIA/ITS Report OT/TRER 16, June 1971.

¹⁸ Oded Bendov, "On the Validity of the Longley-Rice (50,90/10) Propagation Model for HDTV Coverage and Interference Analysis," *Proc. NAB Broadcast Engineering Conference*, 1999.

